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ABSTRACT

This document contains two letters. The first letter, which might have been written by a cosmetology licensing board member to his mother, illustrates the changing climate toward occupational regulations and how it might affect the attitudes of a board member. The second letter, the mother's reply, attempts to put some of the changes into a broader perspective. (HD)

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THE CHANGING CLIMATE TOWARD OCCUPATIONAL REGULATION: HOW DOES IT AFFECT COSMETOLOGY BOARD MEMBERS?

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THE CHANGING CLIMATE TOWARD OCCUPATIONAL REGULATION: HOW DOES IT AFFECT COSMETOLOGY BOARD MEMBERS?

By Benjamin Shimberg*

Introduction

The following letter, which might have been written by a Cosmetology Board member to his mother, illustrates the changing climate toward occupational regulation and how it might affect the attitudes of a board member. The mother's reply may help to put some of the changes into a broader perspective.

Dear Mama:

You said, when I was young, that I could always come talk with you when I was facing a tough problem -- and I did. I remember you saying, "Maybe I won't always understand what you are saying, Son, but I'll listen, and maybe just talking things out will help." And often it has.

I remember the time I was thinking of becoming a hairdresser. I was still in high school, and some of the fellows made fun of me and called me a "sissy." You told me that it took a real man to stick to his guns and do what's right and that I shouldn't worry about what those fellows thought.

And you were so right, Mama. I don't know what has happened to Eugene or Carl, but I sometimes wish they could see me in my El Dorado, cruising down the freeway. I'm really glad I went into hairdressing. It's a good business and interesting work. I especially like the people I meet. I've made a lot of friends in our town and I'm even a vice president of Rotary. That's a good indication of how I rate in the community, wouldn't you say?

I think I told you, Mama, that last year the Governor appointed me to the Cosmetology Board. It came as a big surprise, and it's quite an honor. But it's also a lot of work. We make up the written exam, give the practical, and then decide who's qualified. And we sometimes have

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to act like judges when our inspectors bring charges against someone who has gotten out of line. It's a big responsibility. But I always do my best. Like you said, "Whatever is worth doing is worth doing well." I agree with that, Mama. I take this job seriously, and that's why I'm writing. There have been a lot of people criticizing licensing lately, and those of us who are in the field can't help feeling they're talking about us. It's just not fair. Sometimes what they say really hurts. For example, this fellow, Lewis Engman, who used to be the head of the FTC, has gotten people all riled up about licensing boards, saying they are self-serving and not just looking after the interests of their own groups and not caring a hoot about the public. He's been after the pharmacy boards for not allowing druggists to post their prices, and he says that optometrists are restricting trade by not letting people who sell glasses advertise their prices. He even says that undertakers are underhanded because they try to keep the public from finding out how much a funeral is going to cost. I can see people shopping around for drugs or eyeglasses, Mama, but do you think they really go shopping for a funeral?

As far as I know, Mr. Engman hasn't said anything about hairdressers, but, when people hear that I'm on a board, they give me one of those knowing looks that says, "Oh, so you're one of <u>them</u>!" And they hint that we somehow cooked up the whole idea of licensing to look after our own interests -- to keep out people and to raise prices. That's just not fair, Mama, because I don't get a darned cent out of being on the board, only a lot of headaches. It really costs me quite a bit in time and money to be on that board, and the miserly per diem the State pays us doesn't begin to cover what it really costs to attend meetings.

I heard a fellow speak at our Rotary meeting last month and he seemed to have it in for us too. He was talking about something called the <u>EEOC</u>; it has something to do with seeing that black people and other minorities don't get discriminated against when they go looking for jobs. The EEOC has taken some big companies like AT&T and Sears to court for disciminating and has forced them to change their tests and even pay back wages to minorities who were denied promotions because of the tests.

He said that right now the EEOC doesn't apply to licensing or certification agencies, but that some group in Washington -- a Coordinating Council -- is working on it so that in the future our board and all the other boards will have to meet the EEOC testing guidelines.

I'm not sure just what's in those guidelines, Mama, but it looks to me as if somebody has it in for us. The EEOC is supposed to apply to employers, and we don't employ anybody but a few clerks and inspectors. But the council says that some boards may be unfair in the way they use tests. So it is going to compare the passing rates for whites and for the minority groups that apply. If a big difference is found -- more than 20 percent -- this will be considered as "evidence of adverse impact." Isn't that a mouthful, Mama? Anyway, if there is adverse impact, it will be up to the boards to prove that their tests meet the standards set in the guidelines. They'll have to prove that the tests are based on careful job analyses and that they are valid and not discriminatory. I'm not really sure what all those terms mean, or what "proving yourself" will involve, but it sure sounds like a lot of work for somebody.

Personally, I can't see anything wrong with the tests we are giving. We have a big file of questions that have been accumulated over the years, and we pick out 100 or so that we think a hairdresser should be able to answer. It's mostly the same stuff they are taught in school. We also give a practical exam that involves watching what the hairdressers do and rating their performance. I don't see how anyone could find fault with what we're doing, but, all the same, I'm not too happy with the idea of somebody from Washington checking on us. I don't know if they'll find any of this "adverse impact." It's not something any of us have thought much about, so it might be there without our even knowing it.

The speaker at Rotary said the new guidelines hadn't been adopted yet, but I think it would be a good idea for us to find out what they're all about. Probably there's nothing to worry about, but if there is, maybe we should get things straightened out before someone starts checking.

I also heard that the people in the Department of Labor in Washington are investigating licensing too. It seems like everyone is ganging up on us at once.

They are saying that some boards set up all sorts of barriers to keep people from entering a field or to keep people from moving from one state to another. They say that tests are the most common barrier, but that sometimes other requirements are purposely set high to keep people out.

I was trying to think if we do anything like that, Mama, and I'm not really sure. In our state we require a person to be a high school graduate, but some other states allow people to come in with only an eighth grade or tenth grade education. I wonder if anybody has proven that you need those extra years; maybe tenth grade is enough, or maybe there shouldn't be any educational requirement.

That reminds me of something else. We require 1,500 hours of training in our state. Some states require only 1,000 hours, and I believe there are a few states where you have to stay in school for 2,500 hours before you can even sit for the test. The decision was made before I came on board, so I'm not too sure how it was decided that twelfth grade was necessary or that 1,500 hours was the right number instead of 1,000 or 2,500. I wonder if the others on our board would think I was stupid if I asked a question about that. I think I will sometime, because I don't think we ought to make people stay in school any longer than they really need to. It's expensive to stay in school and, if they're ready, they could be working and earning some money.

Some judge in Oregon has the hairdressers mad at him because he said that the board has the right to license people who met minimum educational standards regardless of the number of hours they spent in school. At first I thought he was another guy picking on us, but he may be right about that. I'm sure some students can learn all they need to know in a lot less time than we require, and others will take forever. I'll bring that up at our next meeting to see what the others think. One thing's for sure though; the school owners won't like it, but that's their problem. I don't think the board should worry too much about what's best for the schools. It's what's best for the public that really matters. Don't you agree?

But the thing that got me started on this letter, Mama, was a report in the paper that Colorado had passed a "sunset" law, and the Governor signed it last week. No, Mama, the law has nothing to do with when the sun sets.

That's all in the almanac anyway. This law is going to make all boards and commissions justify their existence every six years, and, if they can't, they'll go out of business, just like that. The article said that many boards have exceeded their authority, and the Governor said, "There's a whole history of agencies set up for the best of purposes, but in fact they sometimes don't work for those purposes." And what boards do you think they are going to start reviewing just off the bat next year? You guessed it: cosmetologists will be in the first group of thirteen, along with barbers and shorthand reporters.

I wonder if we'll get such a law in our state. How do you go about proving that what you are doing is necessary in order to protect the public health and safety? It's hard to imagine not licensing hairdressers. How else would you keep out the riffraff and those without the necessary skills? How else would you discipline those who get out of line?

I've always felt that one of the best arguments for licensing hairdressers was the use of chemicals in our work. If they aren't applied properly people can get hurt. But what would we say if some consumer group came to the hearing and pointed out that many of the same chemicals we use are available over the counter in drugstores? Anybody can get them and use them without training. If they're really dangerous, they should be restricted. The fact that they are so easily available might be used as an argument that they are not as dangerous as we claim. And where does that leave us?

Another argument we use relates to cleanliness. Our own inspectors check salons to make sure they are sanitary. But what if somebody argued that the people from the local health department -- the people who inspect restaurants -- could do the job just as well? Of course they wouldn't know anything about beauty culture, but is that necessary if all you're checking is sanitary conditions?

Maybe I shouldn't let all this talk against licensing upset me. After all, we've been asked to do a job and all of us are doing it the best we know how. That doesn't mean it couldn't be done better, but I don't see where people get the idea that boards don't really care about the public. That's just not true, Mama. We do care. And it gets under my skin when

people attack us without realizing how much time we give and how much work is involved.

Well, forgive me for spouting off so long. I do feel better getting some of this off my chest. Thanks for listening.

Your devoted son,

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Dear Son:

I thought your letter was interesting. You still whine a little too much, but overall I think you are coming along pretty well.

I hope you won't be angry with me, but I read your letter to our senior citizens group to see what reactions they had to licensing. You're right. People are all steamed up about the price of drugs, hearing aids, eyeglasses, and everything else. A lady who just moved here from Florida said that eyeglasses cost 25 percent to 100 percent more in states where optometrists are not allowed to advertise. And someone else said that the price of prescription drugs can vary 100-200 percent at stores within a few blocks of one another. So if licensing is responsible for any of this, a lot of my friends would not be on your side.

You'll be glad to know, Son, that they aren't mad at hairdressers. Some of the women get their hair done at the beauty school, and they say it's real nice. The students are very friendly and do good work. It takes longer, of course, but they're in no hurry.

One man told us about a veterinarian who operated on the wrong dog, and the dog died. The owner filed charges with the veterinary board, but he dropped them after the vet paid him $200 as "consolation" money. The board said it couldn't do anything more about the matter, because there was no complaint pending. My friend, Mr. Moran, thinks the board is shirking its duty by looking the other way. He says that no matter what veterinarians do, the worst punishment they ever get is a reprimand. I wonder what the

board members will be able to say for themselves if they have to justify their serving the public under that "sunset" law you were talking about.

But back to your letter: I think you are being a little paranoid to think people are picking on you. People are picking on everyone these days, and, if you ask me, it's a good thing.

But things aren't all bad. In fact, I think they're getting better. We recently had a law passed that puts public members on licensing boards. Everybody said it would be a waste of time -- that the people wouldn't have enough background to understand what was going on or to contribute anything worthwhile. They said that in states where it has been tried, the public members aren't interested, or they get brainwashed by the others so they go along with everything that's proposed.

It hasn't worked out that way in our state. The Governor has discovered that there's a lot of hidden talent among us retired folk, and he's putting some of that talent to work on licensing boards. He put a retired civil engineer, who also had a master's in business, on the plumbing board. And now he's the leader of that group. And he put a former clerk of the State Supreme Court on the pharmacy board. He's a whiz. I listen to his radio program that gives consumer advice to senior citizens. I suppose that some of the people on the board resent having an outsider on the inside, but I don't see anything wrong with it. If they are on the up and up, they have nothing to fear; but if they are trying to pull a fast one, he's sure to spot it and alert people to what's going on.

As I read your letter, I had the feeling that times are changing, and, even though you are still a relatively young person, you are having difficulty adjusting to change.

You didn't ask for advice, but I'll give it to you anyway. Don't worry about what critics are saying. Don't get uptight and defensive. Ask yourself whether any of the criticism has merit, whether it applies to your own board.

I was pleased to see that you have already started to ask some important questions. Why do we have these requirements? What effect do they have on whether people can enter the occupation or move into your state from somewhere else?

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You recognized that many of the requirements were adopted before you got on the board. It's part of your responsibility to examine all these requirements carefully. Ask whether they are necessary. What purpose do they serve? Why were they put there in the first place?

I liked what you said about looking into the EEOC business before somebody gets after you. If your tests are discriminating against minorities, I'm sure you'd want to know about it, and I'd hope you'd try to do something about it. Maybe you shouldn't be making up your own tests. Have you thought about getting some help?

I also think you are wise to start asking yourself how you'd deal with questions that might come up during a "sunset" law review. It's not enough to <u>feel</u> you are doing a good job. You need to look at the underlying purposes of licensing and ask whether what you are doing <u>is</u> helping the public. I'm not sure what the rules and regulations are, but somebody in our group said that these need to be looked at very carefully to see who benefits and who is being protected. Is it the consumer or the practitioner?

You're right, Son. As usual I didn't understand everything in your letter, but it made more sense to me than most of your letters do.

Keep your chin up, keep asking questions, and keep digging for answers until you are satisfied.

I'm proud of you, Son. Keep up the good work.

Your loving mother,